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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,646	07/23/2003	Hideki Kanie	A-9906	6902

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,646

Applicant(s)

KANIE, HIDEKI

Examiner

Flemming Saether

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battie (US 6,070,836) in view of Courtin (US 6,155,762). Battie discloses a mounting device having a main body (8) with a bore (3) for receiving a stud and a component mounting section (1, 2). As seen in Fig. 3, the bore includes a plurality of pawls (15, 16) each having a thin section (15) forming a hinge and connected to an inner wall of the bore and a thick section (16) located at an opposite end of the thin section. Prior to insertion of the stud the pawls extend substantially perpendicular to an axis of the bore (Fig. 3) and with the insertion of the stud, the pawls for an angle of substantially less than 90 degrees (Fig. 6). Furthermore, the pawls facilitate insertion of the stud from either end of the bore. Battie does not disclose the thick portion of the pawls to be provided with an engaging section and a groove. Courtin discloses a device comprising a bore (not labeled) for receiving a stud (22) including a pawl (6) having a thin pivot section (11) leading to the thick section (12). As seen in Figs. 3 and 5, the thick section has an engaging section (16) for being received between thread crests and a groove (15) for receiving the thread crests. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the thick section of the pawls of Battie with an engaging section and a groove as disclosed in Courtin in order to better engage the stud and, the better the stud engagement, the less likely is the mounting device to be dislodged from the stud. The skilled artisan would have recognized to provide both sides of the thick section with the engagement section and groove in order to continue to facilitate operation from both ends.

Claims 2, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battie in view of Courtin as applied to claim 1 and 4-6 above, and further in view of Kraus (US 4,999,019). Kraus teaches to form the engagement section and groove of a plurality of pawls (3) in an arcuate shape (see Fig. 2). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the engagement section and groove of the pawls disclosed in modified Battie in an arcuate shape as disclosed in Kraus to further improve the engagement of the mounting device to the stud and further lessen the likelihood of the mounting device becoming dislodged from the stud.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battie in view of Courtin and Kraus as applied to claims 4-7 above, and further in view of Miura (US 5,816,762). Miura teaches to form the pawls (21A) as staggered along the inner wall of the bore. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the pawls disclosed in modified Battie staggered as disclosed in Miura to still further improve the engagement of the mounting device to the stud and again still further lessen the likelihood of the mounting device becoming dislodged from the stud.

Response to Remarks

The rejections have been maintained in their entirety after consideration of applicant's remarks.

Applicant argues that Battie does not disclose the length of the pawl thick section being greater than half the difference between the inner wall diameter and the outer diameter of the shank. In response, the examiner agrees however, the claims are limited to "[the] device" and therefore the combination with the stud is considered merely as an intended use of which the prior art is only required to be capable of¹. In the instant case, the device of Battie would be capable of receiving a different size stud which meets the dimensional relationship as claimed.

Applicant argues that there would be no motivation for the combination of Battie and Courtin due to the totally different configuration of the pawls. In response, the examiner disagrees because although the configuration of the pawls may be different Courtin is relied upon only for the engaging section and groove. In that regard, examiner maintains it would have been obvious to provide the pawl of Battie with an engaging section and groove and disclosed in Courtin. Applicant contends it would not have been suggested how to configure the engaging section and groove to the pawl of the type disclosed in Battie. In response, the examiner again disagrees because it would be self evident that the engaging section and groove must be configure on the

¹ See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

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pawl of Battie such that in the engaged position the orientation would be as disclosed in Courtin otherwise the device would be inoperative.

Applicant goes on to discuss the subsequent claims however provides no new arguments and as such, no further response is believed necessary.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Flemming Saether
Primary Examiner
Art Unit 3677